



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-08

Legistar #: 20130143

Board of Zoning Appeals Hearing: Monday, February 25, 2013 – 6:00 p.m.

Property Owner/Applicant: Alton & DeAnna Brown  
441 Church Street  
Marietta, GA 30060

Address: 33 Garrison Road

Land Lot: 02190 District: 17 Parcel: 0210

Council Ward: 3 Existing Zoning: OIT (Office Institution Transitional)

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance to reduce the required parking spaces from 19 to 8. [§716.07 (E)]
2. Variance to allow an alternative surface treatment for accommodating vehicles up to 8,000 pounds. [§716.08 (B)]

**Statement of Fact**

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

**Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**Existing structure at 33 Garrison Road (currently being renovated)**



**Eastern entrance off of Garrison Road**





**Area proposed for resurfacing and parking**



**Location of proposed addition**

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**Recommended Action:**

Alton and Deanna Brown are requesting variances for the property located at 33 Garrison Road, which currently contains a 2,270 square foot former home and is zoned OIT (Office Institution Transitional). To the immediate north and east are other single-family homes zoned residentially in the City and unincorporated Cobb County. To the west are vacant properties zoned CRC (Community Retail Commercial) and NRC (Neighborhood Retail Commercial). Across Garrison Road to the south are the Whispering Oaks Apartments, zoned PRD-MF (Planned Residential Development – Multi Family). The proposed project includes the construction of new driveways, a parking area and a 4,999 s.f. addition to the existing structure so the property may function as a video production office. The applicant is requesting a variance to reduce the required parking spaces and to allow an alternative surface for accommodating vehicles.

**Variance #1: Parking Reduction**

**Approval.** The property was rezoned in 2009 (Z2009-16) and included a number of variances and stipulations, one of which reduced the required number of parking spaces to four (4) spaces. However, those variances that were granted are for the existing structures on the property only. City code determines parking requirements based on use. In this case, the most applicable category, general/professional office, requires one space for every 350 s.f. of floor area. A 4,999 s.f. building addition would require an additional 15 spaces to the original four (4), for a total of 19 total parking spaces required. The applicants are requesting a variance to only provide eight (8) spaces.

Because of the nature of the business, they provide a larger amount of floor space per employee compared to a typical office. The applicants have stated that their business only employs five (5) full time staff and receives very few visitors. The applicants would rather use their property for open, wooden space than for underutilized parking. The applicants have a justifiable hardship in that their business does not fit cleanly into the City's required parking table (TABLE J.). As a result, staff recommends approval of this variance.

**Variance #2: Pervious Surface**

**Approval with a stipulation.** The second variance being requested pertains to the driveway and parking surface. Section 716.08 (B) requires any surface built to accommodate vehicles must be of concrete, asphalt, or brick composition. The applicant is requesting permission to use a pervious paving material as a way to reduce the added impervious surfaces on the site, resulting in a reduction in the amount of surface runoff generated at the site.

The variance application proposes the use of "Grasscrete" surface. However, construction plans submitted to the City propose the use of another product, called "Belgard Permeable Pavers." The Marietta Public Works Department will not allow the use of the "Grasscrete" product, as it *"is not an adequate application for this product – with higher traffic. The material is open celled with soil and grass in between. The grass will die, and the product is not accepted for use within the City on this project."* However, they will allow the use of the "Belgard Permeable Pavers" - only if the driveway aprons within the right of way are constructed with concrete.



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The Marietta Fire Department has commented that, if the variance is granted, the paver material selected will have to be able to support the weight of a fire truck. Other issues raised by the Fire Department include requiring a 35' radius on entrance and exits as well as providing an ADA accessible route from the parking area to the building; these are issues that are reviewed during site plan review.

The use of pervious pavers at the site should not negatively impact nearby properties or the community as a whole. In contrast, it should have a positive effect by lessening the amount of stormwater runoff generated by the property and handled by the City's stormwater infrastructure. As a result, staff recommends approval of this variance with a stipulation that the applicants work with Public Works staff regarding an acceptable product.

In summary, ***staff recommends approval of Variance #1. Staff also recommends the approval of Variance #2 with a stipulation that the applicants work with Public Works and Fire Department staff regarding an acceptable product.***